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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,348	09/14/2005	Eric Thelen	DE 030083	6705
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EXAMINER				
DUFFIELD, JEREMY S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,348

Applicant(s)

THELEN ET AL.

Examiner

JEREMY DUFFIELD

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 09 July 2008 have been fully considered but they are not persuasive.

In response to Applicant's arguments that the cited reference (Isozu) does not teach "the user-specific program...second terminal unit", Page 8, Lines 2-4, the Examiner respectfully disagrees. Isozu teaches transmitting an audio/video stream to a terminal A, and after receiving a pause request, pausing the stream at the gateway. While paused, the stream destination address is changed to a terminal B and is subsequently transmitted to terminal B (Col. 5, lines 34-39; Col. 12, lines 4-36). This passage reads on the program content being adapted, i.e. destination address changed, before the continuation, i.e. while being paused at the gateway, of the transmission to the second terminal unit.

2. Applicant's arguments with respect to claim 10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4, 5, 8, 9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Isozu (US 7,127,496).

Regarding claim 1, Isozu teaches a method for transmitting a user-specific program to a user of a program content transmission system (1), i.e. sending user-selected data to a PC or a PDA (Fig. 7; Col. 9, line 35-Col. 10, line 61),

in which first a part of the program content (P) of the program is transmitted to a first terminal unit (A) of the user (Col. 9, lines 39-67) and the program transmission to the first terminal unit (A) is stopped in accordance with a pre-determined procedural sequence when a first defined event occurs and then, i.e. pause message is generated at terminal A and sent to the gateway (Col. 9, line 64-Col. 10, line 15),

when a second defined event occurs, the program content (P') is further transmitted to a second terminal unit (B) of the user to continue the program transmission in accordance with a predetermined procedural sequence, i.e. a resume request is sent to the gateway (Col. 10, lines 15-61);

wherein the user-specific program and/or the program contents are adapted before the continuation of the transmission to the second terminal unit (B), i.e. destination address is changed from terminal A to terminal B (Col. 12, lines 4-36).

Regarding claim 2, Isozu teaches in that the first defined event comprises the reception of a transmission stop signal (US) and/or the second defined event comprises the reception of a transmission continuation signal (UF) from an end device (A, B) of the user, i.e. gateway receives a pause message and a resume request (Col. 9, line 64-Col. 10, line 61).

Regarding claim 4, Isozu teaches in that when the first event occurs first the transmission of a running program content section is terminated before a transmission stops, i.e. when a pause message is received, the gateway stops transmitting the program to terminal A, but continues to receive and cache the transmission of the program from the source (Col. 11, lines 21-33).

Regarding claim 5, Isozu teaches in that the running program content section is terminated in abridged form before the transmission stop, i.e. transmission from the gateway to terminal A is stopped in the middle of a program (Col. 11, lines 58-67).

Regarding claim 8, Isozu teaches in that the user-specific program (P) is reorganized before the transmission is continued, i.e. the destination address for the received content is changed (Col. 10, lines 49-62; Col. 12, lines 24-37).

Regarding claim 9, Isozu teaches in that the adaptation and/or reorganization of the user specific program takes place on the basis of a user-specific (NP) and/or device profile (GP), i.e. the address of terminal B replaces the address of terminal A as the destination address (Col. 10, lines 27-61).

Regarding claim 11, Isozu teaches a terminal unit (A, B), comprising a receiving facility (7) for the reception of program contents (P, P'), of a user-specific program assigned to the user of the terminal unit (A, B) of a program content transmission system (1), i.e. desktop PC, Notebook PC, or PDA (Fig. 1, el. 102, 103, 104; Col. 1, lines 34-48; Col. 5, lines 38-56) and comprising a module (6) for communicating a transmission stop signal (US) and/or a transmission continuation signal (UF) to the program content transmission system, i.e. a Pause message is generated and sent from terminal A to the gateway and a Resume request is generated and sent from terminal B to the gateway (Col. 9, line 64-Col. 10, line 61).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isozu in view of Katz (US 7,103,906).

Regarding claim 3, Isozu teaches all elements of claims 1 and 2.

Isozu teaches inserting a time stamp in Real-Time Protocol Packets (Col. 6, lines 6-20).

Isozu does not clearly teach in that a time stamp is put in the program when the first event occurs or when the transmission is stopped and the transmission of the further program content (P') begins when the second event occurs at this time stamp or at a pre-determined distance before this time stamp.

Katz teaches in that a time stamp is put in the program when the first event occurs or when the transmission is stopped, i.e. terminating transmission of the presentation and recording the time stamp in a bookmark at a media-on-demand server when program viewing is going to be interrupted and resumed at a later time (Col. 7, line 65-Col. 8, line 45; Fig. 4, el. 425, 430; Col. 10, lines 54-67), and the transmission of the further program content (P') begins when the second event occurs at this time stamp or at a pre-determined distance before this time stamp, i.e. the transmission resumes on the same or a different client device at the point where viewing stopped or 10 seconds prior (Col. 9, lines 47-59; Col. 10, lines 54-67; Col. 12, lines 1-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Isozu to include inserting a time stamp in the program, as taught by Isozu, when the first event occurs or when the

transmission is stopped and beginning the transmission of the further program content when the second event occurs at this time stamp or at a pre-determined distance before this time stamp, as taught by Katz, for the purpose of providing a short overlap of the point where the viewing of the program stopped.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isozu in view of Bhagavath (US 6,829,781).

Regarding claim 6, Isozu teaches all elements of claim 1.

Isozu does not clearly teach in that at the continuation of the program first there is a continuation prelude and/or a summary of at least a part of the program contents (P) transmitted before the transmission stop.

Bhagavath teaches a summary of at least a part of a program content is created while the viewer is away from the television (Col. 6, lines 7-28; Col. 8, lines 56-67) or can be requested from a repository (Col. 3, lines 46-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Isozu to include a continuation prelude and/or a summary of at least a part of the program contents transmitted before the transmission stop at the continuation of the program, as taught by Bhagavath, for the purpose of viewing a summary of a missed portion of a program (Bhagavath-Col. 6, lines 15-27).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katz (US 7,103,906) in view of Isozu.

Regarding claim 10, Katz teaches a program content transmission system (1), i.e. user-controlled, multi-device, media-on-demand system (Fig. 1; Col. 5, lines 19-52; Col. 10, lines 35-67), comprising:

a program management system (3) to render user-specific programs assigned to the respective users available to the various users of the program content transmission system (1), i.e. a user viewing a program at home can use the media-on-demand system to discontinue viewing at home and resume viewing at another location on a different client device (Col. 5, lines 19-52; Col. 10, lines 35-67),

a number of transmission channels, K1, K2 for the transmission of program contents (P,P') of the user-specific programs to the terminal units, (A, B) of the particular users, i.e. client devices are connected to access networks via wired or wireless connections including Hybrid Fiber Coaxial and cable (Col. 1, lines 37-67; Col. 5, line 64-Col. 6, line 8),

a unit management system (4) to stop the program transmission to a first terminal unit (A) of a user in accordance with a pre-determined procedural sequence when a first defined event occurs and, when a second defined event to continue the program transmission in accordance with a pre-determined procedural sequence occurs, to cause a continuation to take place of a transmission of program contents (P') to a second terminal unit (B) of the user,

i.e. user can interrupt delivery of the delivered media to a client device and then resume delivery on another client device using the media-on-demand system (Col. 5, lines 19-52; Col. 10, lines 35-67).

Katz does not clearly teach wherein the user-specific program and/or the program contents are adapted before the continuation of the transmission to the second terminal unit (B).

Isozu teaches a user-specific program and/or program contents are adapted before the continuation of the transmission to a second terminal unit (B), i.e. destination address is changed from terminal A to terminal B (Col. 12, lines 4-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katz to include the user-specific program and/or the program contents are adapted before the continuation of the transmission to the second terminal unit (B), as taught by Isozu, for the purpose of giving the user a better viewing experience by providing a near seamless viewing of a movie or other video.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY DUFFIELD whose telephone number is (571)270-1643. The examiner can normally be reached on Mon.-Thurs. 8:00 A.M.-5:30 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

07 August 2008
JSD

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623